

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

<b>IN THE MATTER OF APPLICATION</b>	)	
<b>FOR PERMIT NO. 34-07591 AND</b>	)	
<b>APPLICATION FOR TRANSFER NO.</b>	)	
<b>5400 (L&amp;S PARTNERS), APPLICATION</b>	)	<b>PRELIMINARY ORDER</b>
<b>FOR TRANSFER NO. 5456 (ASLETT</b>	)	
<b>RANCHES) AND APPLICATIONS FOR</b>	)	
<b>TRANSFER NOS. 5001 AND 5004</b>	)	
<b>(DAVID AND MARY STOECKLEIN)</b>	)	
<hr/>	)	

On October 12, 1999, the Idaho Department of Water Resources (Department) received a document entitled Stipulation, Settlement, and Joint Motion for Order ("Stipulation") in the above referenced matter. A conference call between representatives of the parties and the department was held on November 15, 1999. Based upon the Stipulation and the understandings reached in the conference call, the Department enters the following Preliminary Order:

1. The protests of Mark T. Gates, Trustee; Blake Quinn, on behalf of 6X Ranch LLC; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, to Application for Transfer No. 5400 in the name of L&S Partners, are hereby deemed withdrawn with prejudice.

2. The protests of Mark T. Gates, Trustee; Blake Quinn; and David and Mary Stoecklein, or any partnership or entity in which David and/or Mary Stoecklein is a partner, officer, or stockholder, to Application for Transfer No. 5456 (formerly application for Transfer No. 4906) in the name of Aslett Ranches, are hereby deemed withdrawn with prejudice.

3. Application for Permit No. 34-07591, in the name of L&S Partners, is hereby deemed withdrawn with prejudice.

4. The protests of Aslett Ranches to Applications for Transfer Nos. 5001 and 5004 are hereby withdrawn with prejudice.

5. The remaining terms of the Stipulation are deemed accepted by the Idaho Department of Water Resources, and the parties thereto are hereby ordered to comply with the terms stated therein.

6. Doug Rosenkrance, when providing the services described in the Stipulation, is acting in a personal capacity and not as the Water District No. 34 Watermaster. The selection of Doug Rosenkrance is a mutual decision of the parties. The parties agree that the services performed are separate from the normal duties and responsibilities of the watermaster. Additionally, all costs associated with the study provided for in the Stipulation, including compensation to Mr. Rosenkrance, shall be borne by the parties to the Stipulation and shall be kept separate from the Water District No. 34 budget.

7. The parties consent to IDWR proceeding with administrative processing of water rights transfers and permits before completion of the study provided that any approvals include the following condition:

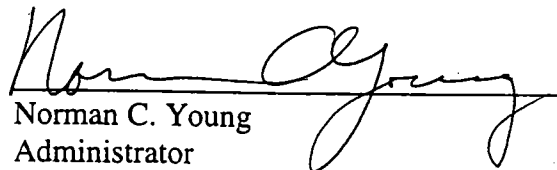
Condition No. \_\_ This approval is specifically conditioned upon the terms and limitations contained in the Stipulation, Settlement, and Joint Motion for Order filed with the Department on October 12, 1999, In the Matter of Application for Permit No. 34-07591, In the Name of L&S Partners, numerous other captioned matters, and the Preliminary Order of the Department issued on November 18, 1999. This approval is subject to any future modifications resulting from or required by the terms of that Stipulation, the Preliminary Order of the Department, and the actions taken pursuant thereto.

8. Issuance of this Preliminary Order does not commit IDWR to approval of the applications now pending. IDWR will evaluate each application in accordance with applicable law and act accordingly.

9. The Stipulation and this Preliminary Order do not prevent including procedures in the plan of study needed to determine canal losses based upon conditions as they existed prior to the changes that will occur if the pending applications are approved.

10. Nothing in the Stipulation or this Preliminary Order prevents the Department from fulfilling its statutory duties and obligations in the administration and regulation of water rights.

Dated this 18<sup>th</sup> day of November, 1999.

  
Norman C. Young  
Administrator

CERTIFICATE OF SERVICE


I hereby certify that on the 18th day of November, 1999, I served a true and correct copy of the within and foregoing document upon the persons named below by U. S. mail, postage prepaid:

Mr. Scott L. Campbell  
Elam & Burke  
Key Financial Center  
702 West Idaho  
P. O. Box 1539  
Boise, ID 83701

James P. Speck  
Speck & Aanestad  
P. O. Box 987  
Ketchum, ID 83340

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Rita I. Fleck  
Administrative Assistant